

PROCESS FOR A CLASS III ARCHAEOLOGICAL REPORT:

Information from the State Historic Preservation Office (SHPO) and an 8/10/2016 site visit by the DEQ indicates that archaeological and/or historical values may be affected by the proposed Opencut operation. As a result, before the Department can conduct further review of the Opencut application, the Operator must obtain concurrence from SHPO regarding the methods and measures required to: **a)** evaluate the archaeological and historical values at the site; and **b)** ensure that archaeological and historical values are given appropriate protection [82-4-434(3)(h), MCA and ARM 17.24.212(5)]. To obtain concurrence from SHPO, do not conduct any testing, digging, or surface disturbances at the site, and complete the following steps:

- a.** Retain the services of an archaeological professional to conduct a Class III Cultural Resources Inventory of the site. This inventory typically entails the professional reviewing archaeological and historical information for the vicinity, and conducting a thorough visual inspection of the site. A Class III report is produced and submitted to DEQ for review. Provided no changes are required after review, the DEQ archaeologist will submit the report to SHPO for concurrence with the findings of the report.
 - i.** Submit the Class III report to the DEQ archaeologist at DEQ Archaeologist, Directors Office, P.O. Box 200901, Helena, MT 59620
- b.** If no sites are identified, or all identified sites are determined not eligible for the National Register of Historic Places (NRHP) and concurrence is received from SHPO, then work may proceed with no adverse effects to historic properties. The Operator must update the Opencut application to include any requirements of the report, and submit the revised application and SHPO concurrence to the Opencut Section.
- c.** If the Class III Inventory identifies sites that are either recommended eligible, potentially eligible or undetermined, the Operator's archaeologist must prepare and submit to the DEQ archaeologist either: **a)** a Testing Plan that describes the additional methods and means (e.g. digging or surface disturbance) proposed to further investigate the site; or **b)** an Avoidance Plan that describes the measures proposed to ensure that archaeological and historical values at the site will be given appropriate protection.
 - i.** The DEQ archaeologist will:
 - 1.** Review the proposed plan to determine if the proposed Testing Plan or Avoidance Plan provides that the archaeological and historical values would be given appropriate protection, or if further treatment or mitigation must be developed.
 - 2.** If no changes to the plan are necessary, the DEQ archaeologist will submit the plan to SHPO for concurrence.
 - 3.** If further treatment or mitigation must be developed, the DEQ archaeologist will confer with SHPO and notify the Operator's archaeologist of the needed changes.
- d.** When the Operator obtains written concurrence from SHPO on #C above, the Operator may proceed with the Testing Plan (e.g. digging or surface disturbance), which must be implemented by the Operator's archaeologist.

- e. If the Operator receives SHPO concurrence on an avoidance plan, the Operator must update the Opencut application to include any requirements of the report, and submit the revised application and SHPO concurrence to the Opencut Section.
- f. If the Operator is required to conduct a Testing Plan, the Operator's archaeological professional must prepare a report providing results of the testing and recommendations on NRHP eligibility and submit the report to the DEQ archaeologist.
- g. If no sites are NRHP eligible, and no changes to the report are necessary, the DEQ archaeologist will submit it to SHPO for concurrence. When the Operator obtains written concurrence from SHPO, the Operator must update the Opencut application to include any requirements of the report, and submit the revised application and SHPO concurrence to the Opencut Section.
- h. If one or more sites are determined eligible for the NRHP, the Operator's archaeologist must prepare a Mitigation or Treatment Plan and submit it to the DEQ Archaeologist.
 - i. If no changes are necessary to the Mitigation or Treatment Plan, the DEQ Archaeologist will submit the plan to SHPO for concurrence.
 - ii. Upon completion of any mitigation, a detailed report of the mitigation and its findings must be submitted to DEQ and SHPO for comment and review.
 - iii. When the Operator obtains written concurrence from SHPO, the Operator must update the Opencut application to include any requirements of the report, and submit the revised application and SHPO concurrence to the Opencut Section.

*The Montana Antiquities Act prohibits the disclosure of archaeological site information to the public. Therefore, do **not** include any archaeological locational information in the Opencut application (i.e. Plan of Operation, application forms, maps, or attachments).*